

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, Maryland 20850
(240) 777-6600**

<http://www.montgomerycountymd.gov/boa/>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, October 18, 2017

ACTION ITEMS:

1. Minutes of October 4, 2017, Worksession.

Action: Approved, (SBB/BG, 5-0).

2. **A-6536, Appeal of Mynora Bryant** (Administrative Appeal). Withdrawal and refund requested by Appellant.

Action: Dismissed appeal as withdrawn and granted 50% refund of the filing fee, (SBB/BG, 5-0).

3. **CBA-2084, Petition of PEPCO** (Public Utility Structure). Letter to the Board from Eric F. Fedowitz, Vice President, Wood Acres Citizens Association, requesting a public hearing on the administrative modification granted on September 28, 2017. Also included was a request for reconsideration from John Longstreth and Anne Goldenstein.

Action: (a) Suspended the administrative modification granted on September 28, 2017, and granted a public hearing, (KF/BG, 5-0); (b) Denied the request for reconsideration, (KF/ESR, 5-0).

4. **S-404 [CBA-627], Petition of Rock Creek Pool, Inc.,** (Community Swimming Pool). Letter to the Board from Dean Packard, Professional Engineer, requesting an administrative modification of this special exception. Also included are large exhibits: Site Plan, Approved NRIFSD, Storm Water Management and Sediment Control Plans, footprint and elevations for the proposed pavilion. Also included is an email from Patrick Moffitt, Board Member of the Rock Creek Pool, and a letter from Iain Gold, President of the Rock Creek Pool, authorizing Dean Packard of Packard & Associates and John Vassiliou of Elite Pools to apply for this modification on behalf of the pool.

Action: Granted the administrative modification of this special exception, (SBB/ESR, 5-0).

5. **S-538-C, Petition of The Aspen Hill Club**, (Private Club). Letter to the Board from Danielle Bouchard, General Manager, submitting the Club's Annual Report.

Action: Re-opened the record to receive Ms. Bouchard's letter with attachments, (BG/ESR, 5-0).

6. **S-2881, Petition of Columbia/Wegman Acquisitions, LLC**. (Domiciliary Care Home). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification of this special exception.

Action: Granted the administrative modification of this special exception, (BG/ESR, 5-0).

7. Board discussion of possible amendments to draft telecommunications legislation.

The Board of Appeals discussed the inclusion of language in the draft telecommunications ZTA to allow aggrieved parties to appeal an OZAH decision in a telecommunications case directly to the Circuit Court for the purposes of meeting the shot clock, and agreed not to object to the inclusion of such language. While the Board was concerned about the availability of an open process for the public, the Board members understood the pressures put on the process by the shot clock, and agreed that in this narrow instance, a direct appeal from OZAH to the Circuit Court would be appropriate.

PENDING ITEM:

8. **CBA-1730, Petition of Stanley Rakusin and Arthur P. Becker** (Apartment Hotel). Letter to the Board from Robert R. Harris, Esquire, requesting reconsideration of the Board's revocation of special exception CBA-1730, and asking that the special exception be reinstated. Item deferred (consensus). [W/S: 4/27/16].

Board Members

John H. Pentecost, Chair
Edwin S. Rosado, Vice Chair
Stanley B. Boyd
Bruce Goldensohn
Katherine Freeman

Staff

Barbara Jay, Executive Director
Kathryn Lloyd, Associate County Attorney